

REMARKS

The January 6, 2010 Office Action withdrew the previous art rejection, which is gratefully acknowledged. Minor amendments have been made to the claims.¹ The amendments were not made to avoid prior art, and it is submitted that the claims are allowable over the prior art of record.

The January 6, 2010 also rejected claims 1-32, 34-38 and 46-47 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement based on the Examiner's contention that the following limitation in the claims is not supported in the specification²:

the at least one computer providing for disclosure to potential counterparties over the at least one network terms for a first proposed trade of the interest.

Applicant respectfully submits that at least the specification text and the drawings discussed below satisfy the written description requirement for the above-quoted limitation.

For example, at least ¶ [0104] is reproduced below with highlighting to demonstrate that this paragraph expressly discloses the quoted claim limitation.

[0104] Upon entry and/or confirmation by the user/trader *via a client computer (¶ [0047])*, a bid/offer order is forwarded via communications network 24 and/or router network 25 (FIG. 4) to the appropriate host computer 26 for further processing. *The order is presented or made available to other traders via their client computers* (and optionally to the trader who entered it) by, for example, *routing it back from databases 30 and server 26 (in the host computer) to user stations 22 for posting to market portions 1001 of the traders' display screens*, or by enabling the traders' systems 22 to access databases 30 containing records of the order and to post the order information themselves. (Emphasis supplied.)

¹ For purposes of determining the applicability to the claim amendments herein of *Festo Corp. v. Shoketsu Kizoku Kogyo Kabushiki Co., Ltd.*, 535 U.S. 722 (2002), the applicant does not admit that any claim amendment was made to avoid prior art, or for a substantial reason relating to patentability, or to narrow the scope of any claim. The applicant does not waive any rights to any subject matter and specifically reserve the right to rebut in an appropriate proceeding any presumption that may arise that any claim has been amended so as to implicate the principles enunciated in *Festo*.

² Independent claims 1, 18 and 46 recite this limitation as quoted while independent claims 16 and 34 recite the limitation slightly differently.

Paragraph [0104] expressly discloses that an order is forwarded from a client computer to a host computer for further processing, and is presented or made available to other traders by routing the order from a server 26 in the host computer to user stations 22. Fig. 2 depicts a system including user stations 22 (which each include a client computer) and host computers 26, as described at least in ¶ [0047].

The guidelines in MPEP § 2163 regarding the § 112, first paragraph written description requirement include the following in ¶ I B:

While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure.

Applicant respectfully submits that the claim limitation in issue if not supported *in haec verba* or substantially *in haec verba*, as discussed above, is otherwise supported as discussed below.

For example, the method described in ¶ [0011] includes the step of “disclosing terms of a first proposed trade of the interest to others via a network.” Thus, the function in the above limitation is expressly disclosed.

Paragraph ¶ [0012] discloses that an embodiment of the method (disclosed in ¶ [0011]) is “implemented via an electronic trading system over a network or networks.” Similarly, ¶¶ [0034] and [0035] disclose that the process (method) 100 of Fig. 1 is implemented by a computer system, and ¶ [0040] discloses that in block 108 of Fig. 1 “the *system* makes information relating to the order available to other traders using the system...either by, for example, pushing the information to other traders, as for example by sending electronic mail or other data packages to such other users.”

Regarding the “system,” ¶ [0047], referring to Fig. 2, describes that the system in Fig. 2 performs the method in Fig. 1, including the step in block 108, as illustrated by the highlighted commentary in the quote of ¶ [0047] below.

[0047] Fig. 2 depicts a trading and information system 20 adapted for trading of financial interests having stepped reserve prices according to the invention, and in particular as described in FIG. 1 *[i.e., the system carries out the method illustrated by the flow chart of Fig. 1].* System 20 includes a plurality of user stations 22, communications network 24, and host computers 26 connected in a local area network (LAN) 27. User stations 22 and host computer 26 operate in a client/server architecture. Each user station 22, e.g. a “thin client”, is enabled to run one or more applications supported by one or more host computers 26. *[A client in the user station comprises a computer.]*

Thus, the foregoing, which describes a system including user station client computers and host computers supports “the at least one computer providing for disclosure to potential counterparties over the at least one network terms for a first proposed trade of the interest.”

Still further, ¶ [0023] discloses that computer-readable code causes a computer to effect methods and processes incorporating the invention, as described in the specification. Also, original claim 18 claims “computer readable code devices configured to cause a computer to effect...disclosing terms of a first proposed trade of said interest to others via a network.” as claimed in original claim 18.

It is submitted that the subject matter from the specification and drawings discussed above demonstrates written description support in the specification for the limitation “the at least one computer providing for disclosure to potential counterparties over the at least one network terms for a first proposed trade of the interest.”

Information Disclosure Statement

The Information Disclosure Statement By Applicant forms filed herewith cite examination reports in counterpart PCT and British applications, and also documents cited in later-filed and co-pending Application No. 11/263,622, assigned to the assignee of this application. Application No. 11/263,622 relates to trading orders with undisclosed values. Applicant does not admit that any cited document is prior art to this application.

Closing

Withdrawal of the § 112 rejection and allowance of the application with claims 1-32, 34-38 and 46-47 are respectfully requested.

If this response does not resolve the written description rejection, the Examiner is invited to telephone the undersigned to provide the undersigned with an opportunity to better understand the rejection.

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Respectfully submitted,



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